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Attorneys for Defendant Safeway Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

ROBIN DEAN,

Case No. 3:12-cv-01875-PK

Plaintiff,

**DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT**

v.

SAFEWAY INC.,

Defendant.

**ORAL ARGUMENT
REQUESTED**

CERTIFICATE OF COMPLIANCE WITH LR 7-1

Pursuant to Local Rule 7-1, Defendant's counsel made a good faith effort to contact and confer with Plaintiff's counsel prior to filing this motion. Defendant's counsel was unable to reach Plaintiff's counsel but left a message for plaintiff's counsel advising him of the intent to file a summary judgment motion and requesting that counsel call her. Over time, the parties have discussed the case but have not been able

to resolve this dispute.

MOTION

Plaintiff Robin Dean (“Dean”) alleges eight claims of relief: disability discrimination and failure to accommodate under the Americans with Disabilities Act of 1990 (“ADA”) and ORS 659A.103; violation of the FMLA and OFLA (ORS 659A.150); wrongful discharge; workers’ compensation discrimination under ORS 654A.040; failure to reinstate under ORS 659A.043; and failure to reemploy under ORS 659A.046: Defendant Safeway Inc. (“Safeway”) asserts that there are no genuine issues of material fact and summary judgment should be awarded as a matter of law in favor of Safeway dismissing each of Dean’s claims for relief because Dean does not have sufficient evidence to prove the essential elements of any of his eight claims for relief.

Safeway’s motion is supported by the accompanying Memorandum of Law, the Declaration of Lisa C. Brown attached to which are excerpts from the deposition transcripts of Robin Dean as well as the Declaration of Mary Beth Thomsen.

DATED: February 27, 2014.

BULLARD LAW

By s/Lisa Brown

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Attorneys for Defendant

Safeway Inc.

Trial Attorney: Lisa C. Brown

CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2014, I served the foregoing

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT on:

Kerry M.L. Smith
Smith & Fjelstad
722 N. Main Avenue
Gresham, OR 97030

- ☒ by **electronic** means through the Court's Case Management/Electronic Case File system, which will send automatic notification of filing to each person listed above.
- ☐ by **mailing** a true and correct copy to the last known address of each person listed. It was contained in a sealed envelope, with postage paid, addressed as stated above, and deposited with the U.S. Postal Service in Portland, Oregon.
- ☐ by causing a true and correct copy to be **hand-delivered** to the last known address of each person listed. It was contained in a sealed envelope and addressed as stated above.
- ☐ by causing a true and correct copy to be delivered **via overnight courier** to the last known address of each person listed. It was contained in a sealed envelope, with courier fees paid, and addressed as stated above.
- ☐ by **faxing** a true and correct copy to the last known facsimile number of each person listed, with confirmation of delivery. It was addressed as stated above.
- ☐ by **emailing** a true and correct copy to the last known email address of each person listed, with confirmation of delivery.

s/Lisa Brown

Lisa C. Brown, OSB No. 794709
Attorneys for Defendant
Safeway Inc.